



Entered on Docket  
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING EIGHTH  
OMNIBUS OBJECTION OF USACM  
LIQUIDATING TRUST TO DOUBLE  
COUNTED CLAIMS**

Hearing Date: October 19, 2009  
Hearing Time: 3:00 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Eighth Omnibus Objection of USACM  
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7508] (the  
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate  
4 notice of the Objection having been given; no response to the Objection having been filed;  
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7508] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12 Rob Charles

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

## USACM

**Exhibit A**  
**Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
EVIE DEAN 2000 TRUST DTD 12/12/00	C/O EVIE DEAN TRUSTEE 29 PHEASANT RIDGE DR HENDERSON NV 89014-2110	10725-01206	65,336.72	32,668.36
FREDA NEWMAN TRUST DTD 7/26/84	FREDA NEWMAN TRUSTEE C/O DANIEL NEWMAN 125 ELYSIAN DR SEDONA AZ 86336	10725-02031	467,009.44	233,504.72
FREEDA COHEN TRUST DTD 7/11/04	FREEDA COHEN TTEE C/O ROSALIND L STARK 10905 CLARION LN LAS VEGAS NV 89134	10725-01995	101,432.76	50,716.38
FREEDUS JT TEN, ERIC B & LINDA P	5008 NIGHTHAWK WAY OCEANSIDE CA 92056	10725-02404	608,838.00	304,419.00
FREEDUS, MICHAEL	2535 LAKE RD DELANSON NY 12053	10725-02143	711,624.20	355,812.10
GALE GLADSTONE-KATZ REVOCABLE TRUST	GALE GLADSTONE-KATZ TRUSTEE 4071 BONES ROAD SEBASTOPOL CA 95472-9755	10725-02277	1,354,118.10	677,059.05
GALLOWAY, ELLYSON J	7440 S BLACKHAWK ST #12208 ENGLEWOOD CO 80112	10725-02310	183,896.00	91,948.00
GILBERT JR, ELMER EUGENE	81590 CHENEL RD FOLSOM LA 70437-5414	10725-01994	455,240.56	227,620.28
GILBERT MANUEL LIVING TRUST DTD 1/3/92	C/O GILBERT MANUEL TTEE 4617 CONSTITUTION AVE NE ALBUQUERQUE NM 87110	10725-01914	486,748.60	243,374.30